

Message Text

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USCINCEUR

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USMISSION NATO PRIORITY

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S E C R E T SECTION 1 OF 2 ATHENS 2958

LIMDIS

E.O. 11652: GDS

TAGS: MARR GR US

SUBJ: US-GREEK BASE NEGOTIATIONS: FOURTH MEETING OF SUBGROUP
ON SOFA QUESTIONS

REF A. ATHENS 2882 B. ATHENS 2920 C. ATHENS 2884

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EMBASSY LONDON FOR DEPASSTSECDEF BERGOLD

1. US SIDE BEGAN MEETING APRIL 16 BY PROVIDING COPIES OF
ENGLISH TRANSLATION OF GREEK DRAFT AGREEMENT (REF C),
WITH CAVEAT THAT, AS NOTED IN PLENARY, TRANSLATION HAD
BEEN SENT TO WASHINGTON, US SIDE WISHED ONLY TO INSURE THAT
IT CONVEYED ACCURATELY INTENT OF GOG, BUT COULD NOT DIS-

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CUSS AGREEMENT. ECONOMIDES THEN GAVE PRELIMINARY GREEK

REACTION TO US PROPOSAL ON WAIVER, WHICH HE CHARACTERIZED AS "EXTREMELY INTERESTING INDEED", SUGGESTING THAT INITIAL PHRASE OF FIRST PARAGRAPH BE REWORDED AS FOLLOWS: "THE GREEK AUTHORITIES IN VIEW OF THE FACT THAT MAINTENANCE OF GOOD ORDER AND DISCIPLINE WHERE PERSONS SUBJECT TO US MILITARY LAW ARE CONCERNED IS OF PRIMARY INTEREST TO THE US AUTHORITIES..." THE GREEK SIDE PREFERRED THIS REFORMATION BECAUSE, AS NOTED BEFORE, THEY INTENDED TO PUT THE TEXT OF ANY AGREEMENT TO THE PARLIAMENT AND THE US TEXT WOULD SEEM TO MAKE US RESPONSIBILITY FOR DISCIPLINE OF ITS FORCE MORE IMPORTANT THAN GREEK SOVEREIGNTY. MACHERITSAS NOTED IN DISCUSSIONS THAT ONLY WORD GREEKS COULD NOT ACCEPT WOULD BE "RECOGNIZED." GREEK SIDE HAD NO OBJECTION TO SECOND PARAGRAPH OF US PROPOSAL BUT, AS PREVIOUSLY NOTED (PARA 3, REF D), EXPRESSED THE DESIRE TO INCORPORATE IN THE TEXT OF THE THIRD PARAGRAPH THE RIGHT TO SEND A GREEK OBSERVER TO US COURTS MARTIAL.

2. TURNING TO 1956 SOFA ART III, ECONOMIDES STATED THAT POSITION OF GREEK DELEGATION "AT THIS STAGE" WAS AND REMAINED THAT "MIXED SYSTEM" OF NATO SOFA VII, 5 PREFERRED BY GOG TO CUSTODY ARRANGEMENT OF 1956 SOFA ART III. US SIDE POINTED OUT THAT CUSTODY OF MEMBERS OF US FORCES VERY IMPORTANT TO USG AND THAT SPECIAL ARRANGEMENTS MADE TO COVER THIS IN COUNTRIES AROUND THE WORLD. NOTING THAT FOREIGN NATIONALS SOMETIMES COULD NOT BENEFIT FROM PRETRIAL RELEASE PROCEDURES SIMPLY BECAUSE THEY WERE FOREIGN AND HENCE MORE LIKELY TO FLEE, US SOUGHT TO USE AUTHORITY OF ITS FORCES TO GUARANTEE CONTINUED PRESENCE OF ACCUSED, HENCE ASSURING RELEASE RATHER THAN ALLOWING ACCUSED TO BE DENIED RELEASE POSSIBILITY. IN ADDITION, VALUABLE SERVICES OF ACCUSED WOULD BE LOST TO US FORCES IF HE RETAINED IN PRETRIAL CUSTODY. MOREOVER, THERE WERE PRACTICAL PROBLEMS OF LANGUAGE, STRANGE ENVIRONMENT, FOREIGN PRACTICES WHICH US MITIGATED FOR THOSE CONFINED BY PROVISION OF SUPPLEMENTAL FOOD, READING MATERIAL, ETC., AND THIS WOULD HAVE TO BE PROVIDED ALSO TO THOSE IN PRETRIAL CUSTODY. THE EXISTING SYSTEM HAD WORKED WELL, AND IF PROBLEM WAS IMPRESSION OF DEROGATION FROM GREEK SOVEREIGNTY, US SIDE WISHED TO DISCUSS THAT OR ANY OTHER FACT OF SITUATION.

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3. ECONOMIDES CHARACTERIZED CUSTODY AS "DELICATE AND DIFFICULT QUESTION." HE NOTED READINESS OF GREEK SIDE TO ACCEPT IN AGREEMENT PROVISION STATING THAT US FORCES' MEMBERS WOULD ENJOY SAME STATUS AS GREEK NATIONALS WITHOUT DISCRIMINATION, AS WELL AS PROVISION CONCERNING CONDITIONS OF CONFINEMENT, INCLUDING RIGHT OF CONTACT WITH LAWYER OR US REPRESENTATIVE WITH WHATEVER FREQUENCY DESIRED. HE ACKNOWLEDGED US POINT

THAT EXISTING SYSTEM HAD PROVED QUITE SATISFACTORY IN PRACTICE, BUT BELIEVED THAT TWO POINTS ARGUED IN FAVOR OF ABOLITION: THE NEED TO HAVE GREEK SOVEREIGNTY REAFFIRMED IN ANY AGREEMENT; AND THE DETERRENT EFFECT WHICH FELT KNOWN APPLICABILITY OF GREEK LAW WOULD HAVE ON BEHAVIOR OF MEMBERS OF US FORCES IN GREECE. HE FELT KNOWLEDGE THAT RESTRICTION TO BASE RATHER THAN CONFINEMENT IN GREEK JAIL LIKELY TO ENSUE WHEN LAW VIOLATED ENCOURAGED TRANSGRESSIONS, WHEREAS SOFA REGIME WOULD MAKE US SERVICE PERSONNEL CONDUCT THEMSELVES BETTER; WHICH HE BELIEVED WOULD BE BETTER FOR BOTH SIDES IN FINAL ANALYSIS. WHERE MAJOR OFFENCES WERE INVOLVED, BETTER JUSTICE WOULD RESULT IF ACCUSED WERE IN GREEK CUSTODY WHERE MORE COMPLETE CASE COULD BE DEVELOPED AND BETTER DECISION RESULT. HE AGAIN EXPRESSED WILLINGNESS TO ENTERTAIN ANY PROPOSAL THE US MIGHT HAVE IN THIS REGARD.

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4. US SIDE POINTED OUT THAT THERE WAS NO DEROGATION OF GREEK SOVEREIGNTY INHERENT IN RETURN OF ACCUSED TO US CONTROL, ALTHOUGH MISPERCEPTIONS OF THIS SITUATION WERE UNDERSTANDABLE. A DISTINCTION IN TREATMENT BETWEEN SERIOUS AND LESS SERIOUS OFFENCES WOULD MAKE SENSE, SINCE SUCH DISTINCTION EXISTED IN LEGAL SYSTEMS OF BOTH COUNTRIES. REGARDING THE POSSIBLE DETERRENT EFFECT, CASES INVOLVING NEGLIGENCE AND MINOR OFFENCES WERE UNLIKELY TO BE SO AFFECTED. MOREOVER, ACCUSED RETURNED TO US CONTROL UNDER THE TERMS OF THE 1956 AGREEMENT WERE CONFINED IF CIRCUMSTANCES WARRANTED THIS. THE US SIDE THEN DESCRIBED AND PRESENTED THE DRAFT ARTICLE ON CUSTODY.

5. ECONOMIDES STATED THAT AFTER A CLOSE REVIEW OF THIS TEXT
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THE GREEK SIDE WOULD RESPOND IN THE NEXT SUBGROUP SESSION. HE THEN TURNED TO 1956 SOFA ART IV, SAYING THAT IT SEEMED UN-NECESSARY IN VIEW OF THE COVERAGE OF NATO SOFA ARTICLE VIII. IF THE US SIDE DOUBTED SOFA COVERAGE ADEQUATE, THE GREEK SIDE WILLING TO REVIEW ITS POSITION. THE US SIDE WAS AGREEABLE TO WHATEVER THE GREEKS PREFERRED REGARDING THIS PROVISION. ARTICLE V WAS DISMISSED.

6. CONCERNING 1953 MFA APPENDIX I, ECONOMIDES STATED THAT ARTICLES I AND II WERE INEXTRICABLY CONNECTED WITH PROVISIONS OF THE MFA ITSELF WHICH WOULD BE REPLACED BY PARA 1 AND 3 OF ART I AND ART II OF THE GREEK DRAFT. HE ADDED THAT 1953 MFA, APPENDIX I, ART II PARA 1, 2 AND 3 WOULD BE COVERED IN TECHNICAL ARRANGEMENTS, AS FORESEEN IN ART K1, PARA 3 OF THE GREEK DRAFT. IN ADDITION, CERTAIN PROVISIONS OF 1953 MFA APPENDIX I, ART II RELATED TO ART II OF THE GREEK DRAFT. HOWEVER, ECONOMIDES FELT THAT MANY OF THE MATTERS COVERED IN 1953 MFA APPENDIX I WERE OF A TECHNICAL NATURE AND SHOULD BE EXAMINED IN CONJUNCTION WITH TECHNICIANS.

7. 1953 MFA APP I, ART II, PARA 4 WAS VERY DELICATE BECAUSE IT RELATED DIRECTLY TO THE NATO SOFA, AND ECONOMIDES FELT IT SHOULD BE COVERED IN THE TECHNICAL ARRANGEMENTS THE GREEKS FORESAW FOR EACH US FACILITY. THE US SIDE EXPRESSED A PREFERENCE, WHICH RAN CONTRARY TO ECONOMIDES CONCEPT, FOR A UNIFORM SYSTEM TO APPLY TO FACILITIES THROUGHOUT GREECE. THIS WOULD BEST BE ACCOMPLISHED BY THE INCLUSION OF GENERAL PRINCIPLES IN ANY UMBRELLA AGREEMENT, INCLUDING SUCH PROVISIONS AS THOSE IN 1953 MFA, APP I, ART I AND II. ECONOMIDES AGREED THAT GENERAL PRINCIPLES SHOULD BE IN AN UMBRELLA AGREEMENT, BUT DID NOT WISH THE INCLUSION OF DETAILS WHICH SHOULD BE IN TECHNICAL ARRANGEMENTS. IN

RESPONSE TO A QUERY, ECONOMIDES CLARIFIED THE GREEK SCHEME FOR A NEW AGREEMENT, SAYING THAT THEY INTENDED TO SUBMIT AN UMBRELLA AGREEMENT AND ANNEX I (LISTING OF FACILITIES)

TO PARLIAMENT BUT HAD NO INTENTION OF SUBMITTING TECHNICAL ARRANGEMENTS FOR INDIVIDUAL FACILITIES CONCLUDED IN IMPLEMENTATION. ECONOMIDES PROPOSED THAT THE SUBGROUP REVIEW IN THE NEXT MEETING THE FIRST FIVE ARTICLES OF 1953 MFA

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APP I IN CONJUNCTION WITH THE GREEK DRAFT TO SEE IF THE LATTER COVERED THESE PROVISIONS ADEQUATELY. THE US SIDE POINTED OUT THAT ANY REASONABLE METHODOLOGY PROPOSED BY THE GREEK SIDE WOULD BE ACCEPTABLE, BUT STATED THAT THE US SIDE COULD NOT BE DRAWN INTO A DISCUSSION OF THE GREEK DRAFT SINCE THE FORM OF AGREEMENT WAS A MATTER OF GREAT CONCERN TO BOTH SIDES AND YET TO BE RESOLVED. AFTER MUCH DISCUSSION, IT WAS AGREED THAT THE NEXT SESSION WOULD FOCUS ON THOSE ARTICLES OF 1953 MFA APP I WHICH COVERED SOFA RELATED ISSUES, BEGINNING WITH ARTICLE IX.

8. THE NEXT MEETING OF THE SOFA SUBGROUP WAS SCHEDULED FOR 1700 APRIL 17. ECONOMIDES INFORMED THE US SIDE THAT HE WOULD NOT, REPEAT NOT, BE GOING TO GENEVA AS SCHEDULED FOR LOS CONFERENCE IN VIEW OF IMPORTANCE OF NEGOTIATIONS. KUBISCH

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